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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,216	06/25/2007	Koujiro Matsushita	050850-07110	6028

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EXAMINER

DANIELSEN, NATHAN ANDREW

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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12/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,216	Applicant(s) MATSUSHITA ET AL.	
	Examiner Nathan Danielsen	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2004 and 22 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/22/06</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-6 are pending.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

3. The claims are objected to for the following reasons:
 - a. In claim 1, "A chucking method of a disk apparatus comprising" should be changed to --A chucking of a disk apparatus, said disk apparatus including--, "a traverse provided on said base body holds" should be changed to --a traverse provided on said base body which holds--, "and with this, said fixing cam" should be changed to --and said fixing cam--, "inserting/discharging direction" should be changed to --inserting/discharging directions--, and "the chucking method comprises" should be changed to --the chucking method comprising:--;
 - b. In claim 3, "the chucking method comprises" should be changed to --the chucking method comprising:-- and "a traverse provided on said base body holds" should be changed to --a traverse provided on said base body which holds--; and
 - c. In claim 5, "inserting/discharging direction" should be changed to --inserting/discharging directions--, "and with this, said fixing cam" should be changed to --and said fixing cam--, and "a traverse provided on said base body holds" should be changed to --a traverse provided on said base body which holds--.

Appropriate correction is required.

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Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 2 and 4 recite the limitation "said position limiting member". There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kato (US Patent Application Publication 2002/0067687).

Regarding claims 1, 3, and 5, Kato discloses a chucking method of a disk apparatus including:

a chassis outer sheath (element 11 and 12 in figures 1-4) including a base body (element 11 in figures 1-4) and a lid (element 12 in figures 1-4), in which a front surface of said chassis outer sheath is formed with a disk inserting opening into which a disk is directly inserted (element 13 in figure 1),

a traverse provided on said base body holds a spindle motor and a pickup (element 26 in figure 1-6),

a slider mechanism is disposed on one end of said traverse (elements 53 and 54 in figure 1),

said slider mechanism includes a cam mechanism which moves one end of said traverse toward and away from said base body (elements 53 and 54 in figure 1), and

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a slider cam mechanism which moves said traverse in an inserting/discharging direction of said disk (elements 53 and 54 in figure 1),

the other end of said traverse is supported on said base body by a fixing cam (element 52 in figure 1), and

said traverse is moved by said slider cam mechanism in the inserting/discharging direction of said disk (¶s 44-46) and said fixing cam moves the other end of said traverse toward and away from said base body (¶s 44-46),

wherein the chucking method comprises:

a first step for moving said traverse toward said fixing cam, thereby separating the other end of said traverse away from said base body (¶s 44-46),

a second step for separating the one end of said traverse away from said base body, thereby fitting said disk to a hub of a spindle motor, the second step being carried out after the first step (¶s 44-46), and

a third step for moving the one end of said traverse toward said base body, the third step being carried out after the second step (¶s 44-46).

Regarding claims 2, 4, and 6, Kato discloses everything claimed, as applied to claims 1, 3, and 5, respectively. Additionally, Kato discloses where said traverse is moved toward said fixing cam after the second step, thereby separating said disk away from said position limiting member (¶s 44-46; where element 15 is interpreted to be the claimed position limiting member).

Citation of Relevant Prior Art

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. Kato (US Patent 6,388,974) discloses structure for moving the traverse in a manner similar to the claimed movement.

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Closing Remarks/Comments

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Danielsen whose telephone number is (571)272-4248. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:00 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A.L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrea L Wellington/
Supervisory Patent Examiner, Art Unit
2627

Nathan Danielsen
12/08/2008